

In the United States Patent and Trademark Office

Applicants: Van Eis et al.

U.S. Patent No: 7, 648,989

Serial No.: 10/586/421

Filing Date: October 18, 2006

For: **Indolylmaleimide Derivatives as
PKC Inhibitors**

Examiner: Shterengarts, Samantha

Art Unit: 1626

Confirmation No.: 4842

Attorney Docket No.: NOV-16-US

**REQUEST FOR PATENT TERM ADJUSTMENT REDETERMINATION
UNDER 37 C.F.R 1.705 (B)**

Office of Patent Legal Administration
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicants respectfully request that the United States Patent Office redetermine the Patent Term Adjustment due on the above-identified U.S. Patent.

Although the issued patent is subject to a terminal disclaimer, the reported PTA term of adjustment of 356 days is incorrect. Under *Wyeth v. Kappos* (Case No: 2009-1120, January 7, 2010), the “B” delay is considered separately for PTA calculation purposes unless there is an overlap between an “A” delay and a “B” delay. Thus, in this case, the Applicants, under 35 U.S.C. 154(b), are entitled to an additional 184 days of PTA from the three year pendency date of 7/19/2009 to the patent issue date of January 19, 2010. Moreover, it is believed that there is no “A” delay that overlaps with the “B” delay of 184 days. Thus, the correct net PTA to be reported on the issued patent, after taking into account any applicant delays, should be now 540 days. However, as previously reiterated, this patent is subject to a terminal disclaimer on pending application, 10/586,420, which had a issue fee payment made on December 15, 2009.

If there are any other errors in the calculation of the Patent Term Adjustment, the Applicants respectfully request the PTO to correct.

Applicants do not believe that there should be a fee associated with this Communication. Should this not be the case, and there are any other additional fees are presently

required, or required during the pendency of this application, the Commissioner is authorized to charge any additional fees, if needed, or credit any overpayment, to deposit account No. 50-4255. If there are any questions, especially ones relating to payments or this response, please contact the undersigned, or if the undersigned is not available, please contact a representative of the firm. Please do not leave voicemails at the undersigned's phone number.

Respectfully submitted,

Date 1/27/2010

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